

REMARKS

Claims 18-46 are active in the present application. Claims 3-9, 11, 13, 16 and 17 are canceled. Claims 16 and 17 have been rewritten as new claims 18 and 19; Claims 20-43 find support in Claim 18; and Claims 43-46 find support in Claims 10, 14 and the specification as originally filed. No new matter is believed to have been added by these amendments.

Applicants thank Examiner Borin for indicating that the subject matter of Claims 3 and 17 are drawn to allowable subject matter. In view of the amendments submitted, favorable reconsideration of the remaining claims now pending in this application is respectfully requested.

The rejection of Claims 2, 11, 13, and 16 under 35 U.S.C. § 102(b) over Ohki et al (US 6,107,458) is respectfully traversed.

Ohki et al disclose cyclic peptides having a benzoyl substituted with piperazinyl, wherein the piperazinyl can be substituted with phenyl with various substituents. However, Ohki et al do not disclose the instantly claims compounds whereby R¹ is benzoyl substituted with piperazinyl, which can substituted with piperidyl having cyclo(lower)alkyl, piperidyl having higher alkyl or phenyl(lower) alkyl having lower alkoxy etc; or benzoyl substituted with piperidyl with various substituents (see Claim 16). Accordingly, withdrawal of this ground of rejection is respectfully requested.

New Claims 43-46 are drawn to the non-elected inventions (Groups II and III) of processes of making and processes of using the elected claims, that is the product claims (Group I). In accordance with MPEP § 821.04, Applicants again request that upon finding that the elected claims allowable, the claims of the processes of making and processes of using being rejoined to the elected product claims.

Applicants submit that the present application is now in a condition for allowance.

Early notification of such is earnestly solicited.

Respectfully submitted,

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IN THE CLAIMS

Claims 2-9, 11, 13, 16 and 17 are canceled. Claims 18-46 are added.